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8 **ATTORNEY FOR PLAINTIFF**
9 **Shiena Estelle**

10 **UNITED STATES DISTRICT COURT**
11 **DISTRICT OF NEW JERSEY**

12 SHIENA ESTELLE,)	Case No.:
13 Plaintiff,)	
14 v.)	CIVIL COMPLAINT
15 AARON BAIL BONDS,)	AND
16 Defendant.)	JURY TRIAL DEMAND

17 **CIVIL COMPLAINT AND JURY TRIAL DEMAND**

18 Plaintiff, Shiena Estelle, on behalf of herself (hereinafter "Plaintiff"), by and through her
19 undersigned attorney, alleges against the Defendant Aaron Bail Bonds. ("Defendant") as
20 follows:

21 **PRELIMINARY STATEMENT**

22 1. This is an action for damages arising from Defendant's violations of 47 U.S.C. §227 *et*
23 *seq.*, the Telephone Consumer Protection Act (hereinafter "TCPA").

24 **JURISDICTION AND VENUE**

- 25 2. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1331.
26 3. Venue is proper in this district under 28 U.S.C § 1391(b).

27 **PARTIES**

1 4. Plaintiff, Shiena Estelle, is a natural person, who at all relevant times has resided in the
2 City of East Orange, Essex County, State of New Jersey.

3 5. Defendant, Aaron Bail Bonds, is incorporated and doing business in the State of New
4 Jersey, with its corporate mailing address as 90 Broadway, Paterson, New Jersey 07505.

5 **FACTUAL STATEMENT**

6
7 6. In November - December 2016, Defendant began attempting to locate and/or collect on
8 an account for Eric Estelle by contacting Plaintiff on her cellular telephone number (XXX)
9 XXX-4653, including leaving automated messages on Plaintiff's voice mail, by use of
10 Automated Telephone Dialing System (hereinafter collectively referred to as "ATDS").

11 7. Defendant continued to relentlessly place calls by use of an ATDS to Plaintiff's cellular
12 telephone number (XXX) XXX-4653 multiple times day and night on a daily basis.

13
14 8. Emotionally distraught and frustrated over Defendant's unyielding and harassing
15 automated call campaign, Plaintiff called Defendant on December 6, 2016 to request Defendant
16 to "STOP CALLING" her on her cellular phone number (XXX) XXX-4653. Once
17 Defendant's representative got on the line, Plaintiff identified herself, provided her cellular
18 phone number and again expressly requested Defendant to "STOP CALLING" her cellular
19 phone number (XXX) XXX-4653 (hereinafter referred to as "Cease Directive").

20
21 9. Despite Plaintiff's explicit and unequivocal Cease Directive, Defendant blatantly ignored
22 the Plaintiff and willfully continued to place automated calls to Plaintiff's cellular phone number
23 (XXX) XXX-4653 by use of an ATDS. Subsequent and contrary to Plaintiff's explicit Cease
24 Directive on December 6, 2016, Defendant placed no fewer than (16) calls to Plaintiff on her
25 cellular phone number (XXX) XXX-4653 by use of an ATDS, on the following dates and times:
26 12/08/2016 at 8:50 PM; 12/19/2016 at 4:45 PM; 12/20/2016 at 4:39 PM; 12/21/2016 at 4:30 PM;
27
28

1 12/21/2016 at 4:31 PM; 12/23/2016 at 4:29 PM; 12/27/2016 at 4:35 PM; 12/28/2016 at 2:48 PM;
2 12/28/2016 at 2:57 PM; 12/28/2016 at 4:35 PM; 01/03/2017 at 4:26 PM; 01/16/2017 at 4:15 PM;
3 01/17/2017 at 4:14 PM; 01/18/2017 at 8:04 AM; 01/18/2017 at 4:06 PM; and 01/19/2017 at 4:02
4 PM.

5 10. The automated calls were placed to Plaintiff's cellular phone number (XXX) XXX-4653
6 from phone number (973) 684-5000, which belongs to Defendant.

7
8 11. Plaintiff revoked any consent that may have existed to call her cellular phone number
9 (XXX) XXX-4653 during the course of the phone call on December 6, 2016, where Plaintiff
10 made her Cease Directive.
11

12 12. All of Defendant's phone calls to Plaintiff cellular phone number (XXX) XXX-4653
13 were made through use of an ATDS.
14

15 13. Defendant's repeated calls by use of an ATDS to Plaintiff's cellular phone number
16 (XXX) XXX-4653 were a nuisance, harassing and an invasion of her privacy that caused her
17 stress and anxiety, lose of the use of her cellular phone during the time it was occupied by
18 Defendant's incoming calls, voicemails and waste of her time determining who was calling her.
19

20
21 **COUNT I**
22 **VIOLATIONS OF THE TELEPHONE CONSUMER PROTECTION ACT**
23 **47 U.S.C. §227 et seq.**

24 14. Plaintiff repeats and realleges the allegations set forth in Paragraphs 1 through 13 of the
25 Complaint and incorporates them as if specifically set forth at length herein.

26 15. Plaintiff revoked any consent that Defendant may have had to call her cellular telephone
27 number (XXX) XXX-4653 during the Cease Directive phone call on December 6, 2016.
28

16. Defendant placed no fewer than sixteen (16) automated telephone calls to Plaintiff's cellular telephone number (XXX) XXX-4653 through use of an ATDS after Plaintiff revoked consent.

17. Plaintiff has been damaged by Defendant's actions which constitute violations of 47 U.S.C. § 227(b)(1)(A)(iii), as well as any other applicable provisions of the TCPA, and its conduct is not exempt from the proscriptions of the statute.

WHEREFORE, Plaintiff, Shiena Estelle, respectfully requests that this Court enter judgment for do the benefit of Plaintiff as follows:

A. Declaring Defendant's actions, as described above, in violation of the TCPA;

B. Enter judgment against Defendant for all violations of 47 U.S.C. § 227b(1)(A)(iii);

C. Enter judgment against Defendant for statutory damages for each violation of 47 U.S.C. § 227b(1)(A)(iii) and/or treble damages as the Court deems the violations willful; and

D. Grant such other and further relief as may be just and proper.

JURY TRIAL DEMAND

Plaintiff demands a trial by jury on all issues so triable.

CERTIFICATION PURSUANT TO LOCAL RULE 11.2

I hereby certify to my own knowledge pursuant to Local Civil Rule 11.2 that the matter in controversy is not the subject of any other action pending in any other court, arbitration, or administrative proceedings.

1
2 Dated this 25th Day of September, 2017
3

4 Respectfully Submitted,
5

6 /s Diane L. Mulligan
7

8 *Attorney for Plaintiff Shiena Estelle*

9 Diane L. Mulligan, Esq.

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